IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.426 OF 2007
IN
REVIEW PETITION (L) NO.41 OF 2007
IN
WRIT PETITION NO.1835 OF 1993

Cooperative Bank Employees Union ..Petitioner
Vs.
State of Maharashtra & Ors. ..Respondents

Mr.C.U.Sing,Senior Advocate with Mr.M.S.Topkar for the Petitioner.
Mr.Y.R.Naik,A.G.P.for the Respondents.

CORAM :- DR.S.RADHAKRISHNAN &
SMT.V.K.TAHILRAMANI,JJ.
DATE : 3RD OCTOBER,2007
(IN CHAMBER AT 2.30)

P.C.

1. Heard the larned Counsel for the parties. We have perused the Notice of Motion, affidavit-in-support of the Notice of Motion, affidavit-in-reply and also additional affidavit-in-support of the Notice of Motion filed by Mr.Chandrashekhar Huddar, General Secretary of the Petitioner Union. In the original affidavit- in-support of the Notice of Motion seeking 190 days delay in filing the above Review Petition, in paragraph Nos.2 and 3, the deponent Mr.Chandrashekhar Huddar had categorically stated that the Petitioner-Union did not get copy of the order dated 9th April,2007 immediately and thereafter there was summer vacation for the Hon'ble Supreme Court and thereafter the learned Advocate, who appeared for the Petitioner-Union was also unavailable due to said vacation and that finally they were able to get a copy of the order on 10th July,2007.

2. On a mere perusal of the Revision Petition, it clearly indicates that the Petitioner has received the certified copy of the order on 11th April,2007, which has been reiterated in the affidavit of Mr.Chandrashekhar Dattatraya Khule, Deputy Chief Officer of Respondent No.3, who has also categorically stated that they had applied for the certified copy of the order and the same was made available to them on 11th April,2007. From the said affidavit, it is also apparent that two of the office bearers of the Petitioner-Union were present before the Supreme Court on 9th April,2007.

3. Over and above, even the additional affidavit-in-support of the Notice of Motion filed on 26th September,2007 does not indicate any reason whatsoever for condoning the delay. We are not inclined to exercise our discretion in condoning the delay, especially in view of the conduct of the Deponent deliberately mis-leading this Court. Hence, the Notice of Motion stands dismissed.

4. In view of the dismissal of the Notice of Motion, the above Review Petition also stands dismissed.

(SMT.V.K.TAHILRAMANI,J.) **(DR.S.RADHAKRISHNAN,J.)**

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